

Act, EPA is fully approving these rules into the California SIP.

#### IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country

located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: November 18, 2011.

**Jared Blumenfeld**,  
Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

- 1. The authority citation for Part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

#### Subpart F—California

- 2. Section 52.220, is amended by adding paragraphs (c)(388) (i)(B)(2) and (3) to read as follows:

##### § 52.220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(388) \* \* \*

(i) \* \* \*

(B) \* \* \*

(2) Rule 4612, "Motor Vehicle and Mobile Equipment Coating," amended on October 21, 2010.

(3) Rule 4653, "Adhesives and Sealants," amended on September 16, 2010.

\* \* \* \* \*

[FR Doc. 2012-3172 Filed 2-10-12; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA-2012-0003; Internal Agency Docket No. FEMA-8217]

#### Suspension of Community Eligibility

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

**DATES: Effective Dates:** The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

**FOR FURTHER INFORMATION CONTACT:** If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-2953.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program

regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for

the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

**National Environmental Policy Act.** This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

**Regulatory Flexibility Act.** The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

**Regulatory Classification.** This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

**Executive Order 13132, Federalism.** This rule involves no policies that have federalism implications under Executive Order 13132.

**Executive Order 12988, Civil Justice Reform.** This rule meets the applicable standards of Executive Order 12988.

**Paperwork Reduction Act.** This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

**List of Subjects in 44 CFR Part 64**

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

**PART 64—[AMENDED]**

- 1. The authority citation for part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

**§ 64.6 [Amended]**

- 2. The tables published under the authority of § 64.6 are amended as follows:

| State and location                                | Community No. | Effective date authorization/cancellation of sale of flood insurance in community | Current effective map date | Date certain Federal assistance no longer available in SFHAs |
|---|---------------|---|----------------------------|--|
| <b>Region II</b>                                  |               |   |                            |  |
| New York:   |               |   |                            |  |
| Cobleskill, Town of, Schoharie County.            | 361573        | February 17, 1976, Emerg; January 19, 1983, Reg; February 16, 2012, Susp.         | February 16, 2012 .....    | February 16, 2012.   |
| Richmondville, Town of, Schoharie County.         | 361197        | September 12, 1975, Emerg; January 1, 1988, Reg; February 16, 2012, Susp.         | *.....do .....             | Do.  |
| Seward, Town of, Schoharie County.                | 361199        | October 3, 1975, Emerg; September 1, 1988, Reg; February 16, 2012, Susp.          | .....do .....              | Do.  |
| <b>Region IV</b>                                  |               |   |                            |  |
| Florida:  |               |   |                            |  |
| Fort Pierce, City of, Saint Lucie County.         | 120286        | January 16, 1974, Emerg; December 1, 1977, Reg; February 16, 2012, Susp.          | .....do .....              | Do.  |
| Port Saint Lucie, City of, Saint Lucie County.    | 120287        | May 7, 1975, Emerg; March 15, 1982, Reg; February 16, 2012, Susp.                 | .....do .....              | Do.  |
| Saint Lucie County, Unincorporated Areas.         | 120285        | May 31, 1974, Emerg; August 17, 1981, Reg; February 16, 2012, Susp.               | .....do .....              | Do.  |
| Saint Lucie Village, Town of, Saint Lucie County. | 120288        | September 2, 1975, Emerg; April 1, 1980, Reg; February 16, 2012, Susp.            | .....do .....              | Do.  |
| Mississippi:                                      |               |   |                            |  |

| State and location                           | Community No. | Effective date authorization/cancellation of sale of flood insurance in community | Current effective map date | Date certain Federal assistance no longer available in SFHAs |
|--|---------------|---|----------------------------|--|
| Yazoo City, City of, Yazoo County            | 280189        | December 11, 1973, Emerg; April 15, 1980, Reg; February 16, 2012, Susp.           | .....do .....              | Do.  |
| <b>Region V</b>                              |               |   |                            |  |
| Illinois:                                    |               |   |                            |  |
| Carmi, City of, White County .....           | 170681        | May 2, 1975, Emerg; January 2, 1981, Reg; February 16, 2012, Susp.                | .....do .....              | Do.  |
| Crossville, Village of, White County.        | 170682        | May 23, 1975, Emerg; December 18, 1984, Reg; February 16, 2012, Susp.             | .....do .....              | Do.  |
| Grayville, City of, White County ...         | 170683        | June 17, 1975, Emerg; August 24, 1984, Reg; February 16, 2012, Susp.              | .....do .....              | Do.  |
| Maunie, Village of, White County             | 170684        | February 11, 1998, Emerg; N/A, Reg; February 16, 2012, Susp.                      | .....do .....              | Do.  |
| White County, Unincorporated Areas.          | 170906        | March 26, 1980, Emerg; April 3, 1985, Reg; February 16, 2012, Susp.               | .....do .....              | Do.  |
| Minnesota:                                   |               |   |                            |  |
| Avon, City of, Stearns County .....          | 270443        | November 26, 1976, Emerg; January 3, 1985, Reg; February 16, 2012, Susp.          | .....do .....              | Do.  |
| Clearwater, City of, Stearns County.         | 270536        | July 30, 1975, Emerg; November 1, 1979, Reg; February 16, 2012, Susp.             | .....do .....              | Do.  |
| Cold Spring, City of, Stearns County.        | 270444        | January 19, 1973, Emerg; August 1, 1977, Reg; February 16, 2012, Susp.            | .....do .....              | Do.  |
| Melrose, City of, Stearns County             | 270450        | March 11, 1974, Emerg; May 19, 1981, Reg; February 16, 2012, Susp.                | .....do .....              | Do.  |
| Paynesville, City of, Stearns County.        | 270452        | June 3, 1974, Emerg; August 16, 1994, Reg; February 16, 2012, Susp.               | .....do .....              | Do.  |
| Rockville, City of, Stearns County           | 270454        | April 8, 1975, Emerg; July 16, 1979, Reg; February 16, 2012, Susp.                | .....do .....              | Do.  |
| Sauk Centre, City of, Stearns County.        | 270459        | April 16, 1974, Emerg; May 19, 1981, Reg; February 16, 2012, Susp.                | .....do .....              | Do.  |
| Saint Cloud, City of, Stearns County.        | 270456        | March 31, 1972, Emerg; April 1, 1977, Reg; February 16, 2012, Susp.               | .....do .....              | Do.  |
| Stearns County, Unincorporated Areas.        | 270546        | March 23, 1973, Emerg; March 1, 1979, Reg; February 16, 2012, Susp.               | .....do .....              | Do.  |
| Waite Park, City of, Stearns County.         | 270461        | June 13, 1975, Emerg; May 17, 1989, Reg; February 16, 2012, Susp.                 | .....do .....              | Do.  |
| <b>Region VI</b>                             |               |   |                            |  |
| Oklahoma:                                    |               |   |                            |  |
| Nowata County, Unincorporated Areas.         | 400504        | September 8, 2008, Emerg; N/A, Reg; February 16, 2012, Susp.                      | .....do .....              | Do.  |
| Nowata, City of, Nowata County ..            | 400136        | August 28, 1975, Emerg; January 3, 1986, Reg; February 16, 2012, Susp.            | .....do .....              | Do.  |
| South Coffeyville, Town of, Nowata County.   | 400411        | May 9, 1978, Emerg; September 14, 1982, Reg; February 16, 2012, Susp.             | .....do .....              | Do.  |
| <b>Region VII</b>                            |               |   |                            |  |
| Missouri: Alexandria, City of, Clark County. | 290080        | March 13, 1974, Emerg; May 2, 1977, Reg; February 16, 2012, Susp.                 | .....do .....              | Do.  |

\*.....do = Ditto.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp—Suspension.

Dated: January 31, 2012.  
**Edward L. Connor,**  
*Deputy Associate Administrator for Federal Insurance.*  
 [FR Doc. 2012-3209 Filed 2-10-12; 8:45 am]  
**BILLING CODE 9110-12-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 67**

[Docket ID FEMA-2011-0002]

**Final Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.  
**ACTION:** Final rule.

**SUMMARY:** Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

**ADDRESSES:** The final BFEs for each community are available for inspection

at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) *Luis.Rodriguez3@fema.dhs.gov*.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Federal Insurance and Mitigation Administrator has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

*National Environmental Policy Act.* This final rule is categorically excluded from the requirements of 44 CFR part

10, Environmental Consideration. An environmental impact assessment has not been prepared.

*Regulatory Flexibility Act.* As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

*Regulatory Classification.* This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

*Executive Order 13132, Federalism.* This final rule involves no policies that have federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This final rule meets the applicable standards of Executive Order 12988.

**List of Subjects in 44 CFR Part 67**

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

**PART 67—[AMENDED]**

- 1. The authority citation for part 67 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

**§ 67.11 [Amended]**

- 2. The tables published under the authority of § 67.11 are amended as follows:

| Flooding source(s) | Location of referenced elevation | * Elevation in feet (NGVD)<br>+ Elevation in feet (NAVD)<br># Depth in feet above ground<br>^ Elevation in meters (MSL) Modified | Communities affected |
|--------------------|----------------------------------|--|----------------------|
|--------------------|----------------------------------|--|----------------------|

**Sebastian County, Arkansas, and Incorporated Areas Docket No. FEMA-B-1171**

|                               |  |      |   |
|-------------------------------|--|------|---|
| Massard Creek .....           | Approximately 155 feet upstream of Rogers Avenue .....                       | +406 | City of Fort Smith, Unincorporated Areas of Sebastian County. |
|                               | Approximately 720 feet upstream of State Highway 255 (Zero Street).          | +420 |   |
| Mill Creek .....              | Approximately 200 feet downstream of South 28th Street                       | +477 | City of Fort Smith.   |
|                               | Approximately 1.05 miles upstream of Jenny Lind Road ...                     | +521 |   |
| No Name Creek .....           | Approximately 0.33 mile upstream of the Sunnymede Creek confluence.          | +409 | City of Fort Smith.   |
|                               | Approximately 185 feet downstream of the No Name Creek Tributary confluence. | +456 |   |
| No Name Creek Tributary ..... | At the No Name Creek confluence .....  | +456 | City of Fort Smith.   |
|                               | Approximately 970 feet upstream of South 46th Street .....                   | +518 |   |